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*Counsel for Plaintiff West Virginia  
Laborers' Trust Fund and the Class*

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

WEST VIRGINIA LABORERS'  
TRUST FUND, Individually and  
on Behalf of All Others Similarly  
Situated,

Plaintiff,

v.

STEC, INC., MANOUCH  
MOSHAYEDI, MEHRDAD  
MOSHAYEDI, RAYMOND D.  
COOK, RAJAT BAHRI,  
BARCLAYS CAPITAL INC.,  
DEUTSCHE BANK  
SECURITIES, INC., J.P.  
MORGAN SECURITIES, INC.,  
and OPPENHEIMER & CO., INC.,

Defendants.

Case No. 11-cv-01171-JVS (MLGx)

CLASS ACTION

**NOTICE OF MOTION AND MOTION  
TO REMAND THIS ACTION TO  
STATE COURT**

Date: September 19, 2011  
Time: 1:30 p.m.  
Judge: Honorable James V. Selna  
Ctrm: 10C

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that, on September 19, 2011, at 1:30 p.m., or as  
 3 soon thereafter as may be heard by the Honorable James V. Selna, located at 411  
 4 West Fourth Street, Santa Ana, California 92701, Courtroom 10C, Plaintiff West  
 5 Virginia Laborers' Trust Fund ("West Virginia") will and does hereby move the  
 6 Court for remand of this action filed in the Superior Court for the State of  
 7 California, County of Orange, on July 7, 2011, which was removed to this Court  
 8 by defendants STEC, Inc., et al., on August 4, 2011, pursuant to 28 U.S.C. § 1452.

9 Plaintiff makes this motion pursuant to 28 U.S.C. § 1447(c) and 28 U.S.C. §  
 10 1452(b) on the grounds that this action was improperly removed. This Motion is  
 11 made and based on this Notice of Motion and Motion, the Memorandum of Points  
 12 and Authorities in support, the Declaration of Blair A. Nicholas, and such other  
 13 additional evidence or argument as may be presented to the Court. This Motion is  
 14 made following the conference of counsel pursuant to Local Rule 7-3, which took  
 15 place on August 5, 2011.

16 Dated: August 17, 2011

Respectfully submitted,

17 BERNSTEIN LITOWITZ BERGER  
 18 & GROSSMANN LLP

19 By /s/ Blair A. Nicholas  
 Blair A. Nicholas

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